

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

McDonald, Robert (Deceased)

SERIAL NO. 10/564,242

EXAMINER: Quiwen

FILED: 09/11/2006

GROUP ART UNIT: 1655

TITLE: METHOD FOR PREVENTING FUNGAL GROWTH IN PLANTS

RENEWED PETITION UNDER 37 C.F.R. 1.137(b)

MAILSTOP PETITION

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on Petition dated 08/24/08, applicant herewith submits the requested proof that the response was filed with the petition, and respectfully requests that the petition be granted. As review of PAIR reveals that the original petition, as well as the amendment all bear a O.I.P.E. stamp of October 9, 2007.

Copies of the PAIR pages constitute the evidence submitted for purposes of this renewed petition, and are presumed to be the best evidence of the fact that both the petition and the amendment were not only filed, but also received by the U.S.P.T.O. As intended to be conveyed in the petition, there is no known available evidence that the initially filed response was received and/or processed by the U.S.P.T.O. (the check is believed to have never been cashed, and no postcard is known to have even been received).

The accompanying copies are true and correct copies of that which was filed by the undersigned on October 4, 2007 by first class mail, with a certificate of mailing to

that effect and, as indicated earlier, in-processed and stamped by the O.I.P.E. on October 9, 2007.

Applicant respectfully requests that the petition to revive the cited application be granted pursuant to 37 C.F.R. 1.137(b).

23 September 2008
Respectfully submitted,

/henry/

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